

# Notice of Emergency Adoption and Proposed Rule Making

Temporary and Disability Assistance, Office of  
(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
- This rule making does not require Executive Chamber approval.
- This adoption will amend the NYCRR.
- This adoption will not amend the NYCRR.

**NOTE: THIS FORM CANNOT BE USED FOR A CONSENSUS RULE MAKING.**

Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

1. A. Proposed action:

Addition of	§ 304.3 to	Title 18	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR

2. Effective date of emergency rule:

- Date of filing.
- Other date (specify): \_\_\_\_\_

3. History of emergency actions:

- This is the first time this emergency rule has been adopted.
- This is the first re-adoption of an emergency rule printed in the *State Register* on \_\_\_\_\_ under I.D. No. \_\_\_\_\_.

4. Statutory authority under which the rule was adopted:

Social Services Law §§ 17(a)-(b), and (k), 20(2), 20(3)(d)-(e), 34(3)(c)-(f), 34(6), and 460-c

5. This emergency rule is necessary for the preservation of:

- public health
- public safety
- general welfare

6. The specific reasons underlying the finding of necessity, above, are as follows:

7. *Subject of the rule:*

2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters

8. *Purpose of the rule:*

Protect the well-being of shelter staff and persons staying in congregate shelters

9. *Public hearings* (check box and complete as applicable):

- A public hearing is not scheduled. (*SKIP TO ITEM 12*)
- A public hearing is required by law and is scheduled below. (**Note:** first hearing date must be at least 60 days **after** publication of this notice unless a different time is specified in statute.)
- A public hearing is not required by law, but is scheduled below.

Time:	Date:	Location:

10. *Interpreter services* (check only if a public hearing is scheduled):

- Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

11. *Accessibility* (check appropriate box only if a public hearing is scheduled):

- All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

12. *Terms of rule* (SELECT A, B **or** C. Item D is required.):

- A.  The full text of the rule is attached because it does not exceed 2,000 words.
- B.  A summary of the rule is attached because the full text of the rule exceeds 2,000 words.
  - Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

- C.  Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making]. Web posting of full text of such rule is not required [SAPA §202(1)(a)].

D. Signed certification of adoption and full text of the rule are attached:

- Signed certification of adoption (scanned pdf).
- Full text of the rule (MS Word).

13. *Emergency expiration date* (A first emergency rule is effective and enforceable for up to 90 days from the **date of filing**. Second and subsequent emergency rules are effective and enforceable for up to 60 days from their **date of filing** UNLESS the agency specifies an earlier date). This rule expires:

- 90 days after filing
- 60 days after filing
- Other (*specify date*): \_\_\_\_\_ .

14. Proposed expiration date (check only if applicable):

- This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102 (2)(a)(ii).

15. The text of the final rule and any required statements and analyses may be obtained from:

<i>Agency contact</i>	Richard P. Rhodes, Jr.		
<i>Agency name</i>	New York State Office of Temporary and Disability Assistance		
<i>Office address</i>	40 North Pearl Street, 16-C		
	Albany, NY 12243-0001		
<i>Telephone</i>	(518) 486-7503	<i>E-mail</i>	richard.rhodesjr@otda.ny.gov

16. *Submit data, views or arguments to* (complete only if different than previously named agency contact):

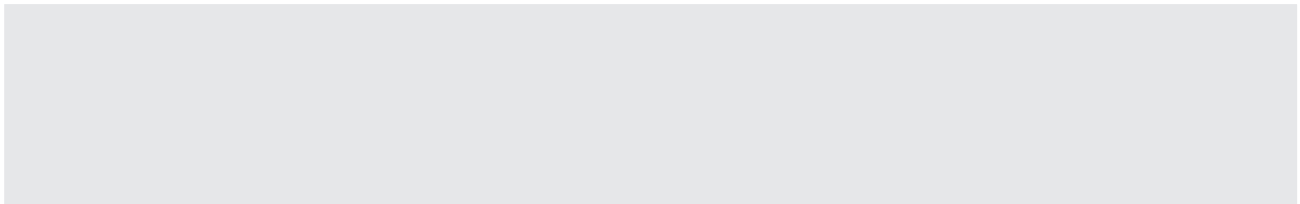
<i>Agency contact</i>	_____
<i>Agency name</i>	_____
<i>Office address</i>	_____
	_____
<i>Telephone</i>	_____ <i>E-mail</i> _____

17. *Public comment will be received until:*

- 60 days after publication of this notice (MINIMUM public comment period).
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing).
- Other: (*specify*) \_\_\_\_\_ .

18. *Additional matter required by statute:*

- YES (include below material required by statute).



- NO additional material required by statute.

19. *Regulatory Agenda* [see SAPA §202-d(1)]:

- This action was a Regulatory Agenda item in the following issue of the *State Register*: \_\_\_\_\_ .
- This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the *Register*.
- Not applicable.

**20. Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits])

A. The attached RIS contains:

The full text of the RIS.

A summary of the RIS.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. A RIS is **not** attached:

because this rule is subject to a consolidated RIS printed in the *Register* under I.D. No.: \_\_\_\_\_; issue date: \_\_\_\_\_.

because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

but will be published in the *Register* within 30 days of the rule's effective date.

C.  A **statement is attached** claiming exemption pursuant to SAPA §202-a (technical amendment).

**21. Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RFA contains:

The full text of the RFA.

A summary of the RFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

A consolidated RFA, because this rule is one of a series of closely related rules.

B.  A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.

C. A RFA is **not attached**:

because this rule is subject to a consolidated RFA printed in the *Register* under I.D. No.: \_\_\_\_\_; issue date: \_\_\_\_\_.

because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

but will be published in the *Register* within 30 days of the rule's effective date.

**22. Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RAFA contains:

 The full text of the RAFA. A summary of the RAFA.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

 A consolidated RAFA, because this rule is one of a series of closely related rules.

B.  A **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.

C. A RAFA is **not attached**: because this rule is subject to a consolidated RAFA printed in the *Register* under I.D. No.: \_\_\_\_\_ - \_\_\_\_\_ ; issue date: \_\_\_\_\_ . because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. but will be published in the *Register* within 30 days of the rule's effective date.**23. Job Impact Statement (JIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached JIS contains:

 The full text of the JIS. A summary of the JIS.

Full text is posted on the following State website. [Pursuant to SAPA §202(7)(d), provide sufficient information to enable the public to access the full text without extensive searching. For example, provide a URL or a title to either a webpage or a specific section of the website where the full text is posted]:

 A consolidated JIS, because this rule is one of a series of closely related rules.

B.  A **statement is attached** explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

 A JIS/Request for Assistance is submitted with this notice.C. A JIS is **not attached** : because this rule is subject to a consolidated JIS printed in the *Register* under I.D. No.: \_\_\_\_\_ - \_\_\_\_\_ ; issue date: \_\_\_\_\_ . because this rule is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making]. because this rule was proposed by the State Comptroller or Attorney General. but will be published in the *Register* within 30 days of the rule's effective date.

24. Referenced material:

- No information is being incorporated by reference in this rule making.
- This rule making contains referenced material in the following Parts, sections, subdivisions, or paragraphs:


**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

*Name* Richard P. Rhodes, Jr. *Signature* /s/Richard P. Rhodes, Jr.

*Address* N.Y.S.O.T.D.A., 40 North Pearl Street, 16-C, Albany, NY 12243-0001

*Telephone* (518) 486-7503 *E-Mail* richard.rhodesjr@otda.ny.gov

*Date* 12/15/2021

**Please read before submitting this notice:**

Reset Form

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. Rule making notices, with any necessary attachments (in MS Word unless otherwise specified), should be e-filed via the Department of State website.

*6. The specific reasons underlying the finding of necessity, above, are as follows:*

The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the public health, public safety and the general welfare that these amendments be adopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 2,750,000 New Yorkers have been infected by the COVID-19 virus, and the disease has killed more than 59,500 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with other with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and potentially suffer severe illness or death.

It is of great importance that operators of congregate shelters require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by OTDA and guidance issued by the CDC and the New York State Department of Health.

It is noted that the regulatory amendments are being promulgated pursuant to a Notice of Emergency Adoption and Proposed Rule Making, instead of a Notice of Proposed Rule Making, due to time constraints.

**Part 304 of Title 18 of the NYCRR is amended by adding a new § 304.3 to read as follows:**

**§ 304.3 2019 Novel Coronavirus (COVID-19) Masking Requirements in Congregate Shelters.**

(a) This section shall apply to congregate shelters for persons experiencing homelessness that are reimbursed directly or indirectly from State or State-administered grants or funds. For purposes of this section, the following definitions shall apply:

(1) “Congregate shelters” means all shelters for adults, small-capacity shelters, shelters for adult families, and shelters for families, as those terms are defined in sections 491.2 and 900.2 of this Title, in which more than three unrelated persons share the same sleeping quarters.

(2) The “Office” means the State Office of Temporary and Disability Assistance.

(3) “Shelter staff” includes but is not limited to all shelter employees, volunteers, and contractors and subcontractors whose primary job responsibility is to work in the congregate shelter.

(b) Operators of congregate shelters subject to this section shall require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by the Office and guidance issued by the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health.

(c) Exemptions from face covering requirements. Face coverings are not required to be worn by:

(1) children under two years of age;

(2) persons with disabilities who cannot wear masks, or cannot safely wear masks, for reasons related to their disabilities, and

(3) persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Safety and Health Administration workplace risk assessment.

(d) Enforcement. The Office may take any of the enforcement actions set forth in sections 491.23(b) and 900.23(b) of this Title to assure compliance with the requirements of this section.



## Regulatory Impact Statement

### 1. Statutory authority:

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “determine the policies and principles upon which public assistance, services and care shall be provided within the [S]tate both by the [S]tate itself and by the local governmental units ...”, shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...”, and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(2) provides, in part, that the OTDA shall “supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.” Pursuant to SSL § 20(3)(d) and (e), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL and “to withhold or deny State reimbursement, in whole or in part, from or to any social services district [“SSD”] or any city or town thereof, in the event of [their] failure... to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof.”

SSL § 34(3)(c) requires OTDA’s Commissioner to “take cognizance of the interests of health and welfare of the inhabitants of the [S]tate who lack or are threatened with the deprivation of the necessities of life and of all matters pertaining thereto.” In addition, pursuant to SSL § 34(3)(d), OTDA’s Commissioner must exercise general supervision over the work of all SSDs, and SSL § 34(3)(e) provides that OTDA’s Commissioner must enforce the SSL and the State regulations within the State and in the local governmental units. Pursuant to SSL § 34(3)(f), OTDA’s Commissioner must establish regulations for the administration of public assistance

and care within the State by the SSDs and by the State itself, in accordance with the law.

Pursuant to SSL § 34(6), OTDA's Commissioner "may exercise such additional powers and duties as may be required for the effective administration of the department and of the [S]tate system of public aid and assistance."

SSL § 460-c confers authority upon OTDA to "inspect and maintain supervision over all public and private facilities or agencies whether [S]tate, county, municipal, incorporated or not incorporated which are in receipt of public funds," which includes emergency shelters.

## 2. Legislative objectives:

It is the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies to provide for the health, safety and general welfare of vulnerable families and individuals who are placed in emergency shelters for persons or families experiencing homelessness.

## 3. Needs and benefits:

The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 2,750,000 New Yorkers have been infected by the COVID-19 virus, and the disease has killed more than 59,500 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and potentially suffer severe illness or death.

4. Costs:

To the extent that the regulatory amendments would require residents of congregate shelters and shelter staff, visitors and other persons entering the facility to wear face coverings, the amendments would not result in significant costs to the State, to local governments, or to the operators of regulated congregate shelters.

5. Local government mandates:

Only local governments that operate congregate shelters for persons experiencing homelessness would be impacted by the regulatory amendments. There are six congregate shelters in New York City (NYC) that are operated by the NYC Department of Homeless Services. There are no congregate shelters outside of NYC that are operated by a local government.

6. Paperwork:

There are no paperwork requirements.

7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives:

The alternative is to remain silent, which may result in additional exposure of shelter residents and staff to the COVID-19 virus, which could result in severe illness or death.

9. Federal standards:

This regulation does not conflict with federal standards.

10. Compliance schedule:

This rulemaking will be effective immediately upon the filing of the Notice of Emergency Adoption and Proposed Rule Making with the Department of State.

## **Regulatory Flexibility Analysis for Small Businesses & Local Governments (RFASBLG)**

### 1. Effect of rule:

The regulation will not impact local governments or small businesses unless they operate congregate shelters. For purposes of this RFASBLG, “small business” means “any business which is resident in this state, independently owned and operated, and employs one hundred or less individuals.” (State Administrative Procedure Act § 102[8]). There are approximately 380 publicly-funded congregate shelters operating within the State. Six of those congregate shelters are in New York City (NYC) and are operated by the NYC Department of Homeless Services. Of the remaining congregate shelters operating within the State, and especially those located outside of NYC, many are independently owned and operated by entities that employ 100 or fewer individuals. If a local government or a small business does operate a congregate shelter, it will need to require that all members of the shelter staff, shelter residents, visitors and any other persons entering the facility wear appropriate face coverings. The face coverings need to be worn in a manner consistent with directives issued by the Office of Temporary and Disability Assistance (OTDA) and with guidance issued by the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health.

### 2. Compliance requirements:

Operators of congregate shelters will need to periodically check their shelter staff, shelter residents, visitors and any other persons entering the facility to confirm that face coverings are being worn correctly.

### 3. Professional services:

Professional services are not required by this regulation.

### 4. Compliance costs:

There are no anticipated costs to local governments or small businesses as a result of this regulation.

5. Economic and technological feasibility:

It is not anticipated that there would be economic or technical impediments to the regulation.

6. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and shelter staff.

7. Small business and local government participation:

The issues addressed by the regulation have existed since the formal declaration of the 2019 Novel Coronavirus (COVID-19) pandemic in March of 2020. Throughout the pandemic, OTDA has been in regular contact with the social services districts (districts) to help ensure the health and safety of residents and staff in congregate shelters. Districts have had an opportunity to express any concerns or questions throughout the COVID-19 pandemic. OTDA remains committed to continuing these relationships.

8. Cure Period:

This regulation does not include a cure period given the serious threat the COVID-19 virus presents and the urgent need to have face coverings worn in congregate shelters.

## **Rural Area Flexibility Analysis (RAFA)**

### 1. Types and estimated numbers of rural areas:

For purposes of this RAFA, "rural area" means areas of the State defined by Executive Law § 481(7) (see State Administrative Procedure Act § 102[10]). Per Executive Law§ 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." Based upon United States Census Bureau estimated county populations for 2010, there are: (a) 43 counties that have populations of less than 200,000; and (b) 11 counties with populations of over 200,000 that have towns with population densities of 150 persons or fewer per square mile. There are 28 congregate shelters operating in 13 of these counties: Cattaraugus County (3), Cayuga County (2), Chautauqua County (1), Chemung County (1), Franklin County (1), Oswego County (4), Otsego County (2), Rensselaer County (3), Schenectady County (4), Tompkins County (1), Ulster County (2), Warren County (1), and Yates County (3).

### 2. Reporting, recordkeeping and other compliance requirements; and professional services:

Operators of congregate shelters in rural areas will require all members of the shelter staff, shelter residents, visitors and any other persons entering the facility to wear appropriate face coverings. There are no reporting or recordkeeping requirements, and professional services will not be required.

3. Costs:

There are no anticipated costs to the State, local governments, or shelter operators as a result of this regulation.

4. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and shelter staff.

5. Rural area participation:

Since the outset of the 2019 Novel Coronavirus (COVID-19) pandemic, the Office of Temporary and Disability Assistance (OTDA) has continuously worked with all social services districts operating congregate shelters for persons experiencing homelessness that are reimbursed directly or indirectly from State or State-administered grants or funds regarding actions to help minimize the spread of COVID-19. OTDA anticipates continuing these relationships.

## **Job Impact Statement (JIS)**

A JIS is not required for the regulatory amendments. It is apparent from the nature and purpose of the regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. The regulatory amendments will not substantively affect the jobs of employees at the state or social service district (district) level. Adoption of the regulatory amendments will not impose any new annual costs or administrative burdens upon the districts.





# Office of Temporary and Disability Assistance

KATHY HOCHUL  
Governor

BARBARA C. GUINN  
Executive Deputy Commissioner

## CERTIFICATION

I hereby certify that the attached addition of § 304.3 to Title 18 of the *Official Compilation of Codes, Rules, and Regulations of the State of New York* is duly adopted by me, Executive Commissioner Barbara C. Guinn, acting pursuant to designation under Public Officers Law § 9, on this date pursuant to authority vested in the New York State Office of Temporary and Disability Assistance (OTDA) by Social Services Law §§ 17(a)–(b) and (k), 20(2), 20(3)(d)–(e), 34(3)(c)–(f), 34(6), and 460-c. These amendments shall be effective on December 15, 2021.

I have determined that it is necessary for the preservation of the public health, public safety and the general welfare that these amendments be adopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 2,750,000 New Yorkers have been infected by the COVID-19 virus, and the disease has killed more than 59,500 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and potentially suffer severe illness or death.

It is of great importance that operators of congregate shelters require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by OTDA and guidance issued by the CDC and the New York State Department of Health.

It is noted that the regulatory amendments are being promulgated pursuant to a Notice of Emergency Adoption and Proposed Rule Making, instead of a Notice of Proposed Rule Making, due to time constraints.

No other publication of prior notice is required by statute.

/s/ Barbara C. Guinn

December 9, 2021

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Barbara C. Guinn  
Executive Deputy Commissioner

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Date